

**PUBLIC NOTICE: 06-10**

**NOTICE OF PROPOSED ADMINISTRATIVE PENALTY ASSESSMENTS AND  
OPPORTUNITY TO COMMENT**

**AGENCY: ENVIRONMENTAL PROTECTION AGENCY (EPA)**

**ACTION: NOTICE OF PROPOSED ADMINISTRATIVE PENALTY ASSESSMENTS  
AND OPPORTUNITY TO COMMENT**

**SUMMARY: EPA IS PROVIDING NOTICE OF A PROPOSED ADMINISTRATIVE  
PENALTY ASSESSMENT FOR ALLEGED VIOLATIONS OF THE CLEAN WATER ACT.  
EPA IS ALSO PROVIDING NOTICE OF OPPORTUNITY TO COMMENT ON THE  
PROPOSED PENALTY ASSESSMENT.**

**UNDER 33 U.S.C. §1319(G), EPA IS AUTHORIZED TO ISSUE ORDERS  
ASSESSING CIVIL PENALTIES FOR VARIOUS VIOLATIONS OF THE ACT. EPA MAY  
ISSUE SUCH ORDERS AFTER THE COMMENCEMENT OF A CLASS I OR CLASS II  
PENALTY PROCEEDING. EPA PROVIDES PUBLIC NOTICE OF THE PROPOSED  
ASSESSMENT PURSUANT TO 33 U.S.C. §1319(G)(4)(A).**

**CLASS I PROCEEDINGS ARE CONDUCTED UNDER EPA'S "CONSOLIDATED  
RULES OF PRACTICE GOVERNING THE ADMINISTRATIVE ASSESSMENT OF  
CIVIL PENALTIES AND THE REVOCATION/TERMINATION OR SUSPENSION OF  
PERMITS", 40 CODE OF FEDERAL REGULATIONS PART 22. THE PROCEDURES  
THROUGH WHICH THE PUBLIC MAY SUBMIT WRITTEN COMMENT ON A  
PROPOSED CLASS I COMPLAINT OR PARTICIPATE IN A CLASS I PROCEEDING,  
AND THE PROCEDURES BY WHICH A RESPONDENT MAY REQUEST A HEARING,  
ARE SET FORTH IN THE CONSOLIDATED RULES. THE DEADLINE FOR  
SUBMITTING PUBLIC COMMENT ON A PROPOSED CLASS I ORDER IS THIRTY  
(30) DAYS AFTER THE DATE OF PUBLICATION OF THIS PUBLIC NOTICE.**

**ON THE DATE IDENTIFIED BELOW, EPA COMMENCED THE FOLLOWING  
CLASS I PROCEEDINGS FOR THE ASSESSMENT OF PENALTIES:**

**IN THE MATTER OF RULLAN RUIZ GROUP, INC., P.O. BOX 10435, CAPARRA  
HEIGHTS STATION, SAN JUAN, PUERTO RICO 00922, THE OWNER/OPERATOR OF  
A CONSTRUCTION SITE WHICH DISCHARGES TO THE COTO LAUREL CREEK.  
THE PROJECT ENTAILS A 7 KM SANITARY SEWER LINE (PHASE II) LOCATED AT  
PR-14, PR-506 AND PR-1 IN COTO LAUREL, PONCE, PR. DOCKET NO. CWA-02-2006-  
3306; FILED ON JANUARY 24, 2006 WITH REGIONAL HEARING CLERK KAREN  
MAPLES, U.S. EPA, REGION II, 290 BROADWAY, 16th FLOOR, NEW YORK, NEW  
YORK 10007 (212) 637-3110; PROPOSED PENALTY: \$32,500, FOR FAILURE TO**

**COMPLY WITH EPA'S NPDES GENERAL PERMIT FOR STORM WATER DISCHARGES FROM CONSTRUCTION ACTIVITIES ("CONSTRUCTION GENERAL PERMIT"). RULLAN RUIZ GROUP'S SANITARY TRUNK SEWER CONSTRUCTION IN COTO LAUREL DID NOT OBTAIN COVERAGE UNDER THE CONSTRUCTION GENERAL PERMIT NOR WERE STORM WATER BEST MANAGEMENT PRACTICES IMPLEMENTED.**

**FOR FURTHER INFORMATION: PERSONS WISHING TO RECEIVE A COPY OF EPA'S CONSOLIDATED RULES, REVIEW THE COMPLAINT OR OTHER DOCUMENTS FILED IN THESE PROCEEDINGS, COMMENT UPON THE PROPOSED ASSESSMENTS, OR OTHERWISE PARTICIPATE IN ANY OF THE PROCEEDINGS, SHOULD CONTACT THE REGIONAL HEARING CLERK IDENTIFIED ABOVE. UNLESS OTHERWISE NOTED, THE ADMINISTRATIVE RECORD FOR THESE PROCEEDINGS IS LOCATED IN THE EPA REGIONAL OFFICE IDENTIFIED ABOVE, AND THE FILES WILL BE OPEN FOR PUBLIC INSPECTION DURING NORMAL BUSINESS HOURS. ALL INFORMATION SUBMITTED BY THE RESPONDENT IS AVAILABLE AS PART OF THE ADMINISTRATIVE RECORD, SUBJECT TO PROVISIONS OF LAW RESTRICTING PUBLIC DISCLOSURE OF CONFIDENTIAL INFORMATION.**

**IN ORDER TO PROVIDE OPPORTUNITY FOR PUBLIC COMMENT, EPA WILL ISSUE NO FINAL ORDER ASSESSING A PENALTY IN THESE PROCEEDINGS PRIOR TO THIRTY (30) DAYS FROM THE DATE SPECIFIED BELOW.**

**DATED: 1/26/06**

**DORE LAPOSTA, DIRECTOR  
DIVISION OF ENFORCEMENT AND  
COMPLIANCE ASSISTANCE**